



Malpractice/Maladministration Policy (including sanctions)

This policy should also be read in conjunction with the following policies:

- Complaints Policy
- Conflict of Interest Policy
- Reasonable Adjustments and Special Considerations Policy
- Whistleblowing Policy
- Appeals Procedure

The purpose of this policy is to outline our policy and intentions in relation to malpractice and outlines any required sanctions.

Updates:

28.5.23 Reviewed and Added AI notes.

28.11.23 Reviewed and updated and renamed V3.

19.4.24 Updated policy, added form renamed V4.

Investigation process for malpractice or maladministration

All investigations carried out by Elizabeth Thomas, Compliance manager.

A full investigation will be conducted when necessary.

Following an investigation, a report will be produced and be made available to all interested and authorized parties; we endeavor to remain open and transparent throughout the investigation. All investigations will be made available to the Governance board and reviewed in meetings as appropriate and the SMT will be informed. We will keep a log of all investigations and/or on the SMT and governance meeting minutes.

The compliance manager will review all the evidence as part of the investigation and take advice from suitable persons/organisations when needed (in line with confidentiality and GDPR requirements)

INFORMATION THAT WILL BE GATHERED:

The investigation may include the following, however this list is not exhaustive.

- Telephone calls or visits to establish facts.
- Review and collect documentation and review of evidence
- Conduct interviews if required
- Check all the evidence and submit a report to the SMT and Governance board
- Review of evidence from ACE360 including assessment recordings, IEPA notes, and centre information provided

We ensure that all reviews are conducted by impartial person(s) and in most cases this will be the Compliance Manager. In the unlikely event an investigation is about this person, then the Director or other impartial member of the team will conduct the investigation

Our Aim.

- To identify and minimise the risk of malpractice by staff or learners.
 - To respond to any incident of alleged malpractice promptly and objectively.
 - To standardise and record any investigation of malpractice to ensure openness and fairness.
 - To impose appropriate penalties and/or sanctions on learners or staff where incidents (or attempted incidents) of malpractice are proven.
 - To protect the integrity of the centre and EPA
-
- We ask learners to declare that their work is their own.
 - We will conduct an investigation in a form commensurate with the nature of the malpractice allegation if needed. Such an investigation will be supported by the Director and Senior IQA and all personnel linked to the allegation as required
 - We will make the individual fully aware at the earliest opportunity of the nature of the alleged malpractice and of the possible consequences and/or sanctions should malpractice be proven.
 - Give the individual the opportunity to respond to the allegations made.
 - Inform the individual of the avenues for appealing against any judgment made via our appeals procedure
 - Document all stages of any investigation.
 - Repeated maladministration can be treated as malpractice at the discretion of the Governance Board.

Definition of Malpractice by Learners

- Plagiarism of any nature including but not limited to AI usage.
- Collusion by working collaboratively with other learners to produce work that is submitted as individual learner work.
- Copying (including the use of ICT to aid copying).
- Deliberate destruction of another's work.
- Fabrication of results or evidence.
- Impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one's place in an assessment/examination/test.
- Obtaining of test materials illegitimately

Definition of Malpractice by Centre Staff

- Improper assistance to candidates.
- Inventing or changing marks for internally assessed work (coursework or portfolio evidence/knowledge tests for example) where there is insufficient

evidence of the candidates' achievement to justify the marks given or assessment decisions made.

- Failure to keep candidate coursework/portfolios of evidence secure.
- Inappropriate retention of certificates.
- Assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves centre staff producing work for the learner.
- Producing falsified evidence, for example for evidence the learner has not generated.
- Misusing the conditions for special learner requirements, for example where learners are permitted support, such as an amanuensis, this is permissible up to the point where the support has the potential to influence the outcome of the assessment.
- Failure to comply with reasonable adjustments or special consideration approvals
- Falsifying records/certificates, for example by alteration, substitution, or by fraud.
- Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment.
- Failure to disclose conflicts of interest

Any instance of potential or actual malpractice must be reported within 2 working days to the director/senior IQA. This will be logged and investigated. We aim to respond within 7 working days but may take up to 60 working days to respond if the issue is complex and requires investigation. Apprentices' results may be invalidated if malpractice has been demonstrated/evidenced. Assessment staff may be subject to disciplinary measures as appropriate.

In the context of AI, we consider:

- the purpose(s) of each of our qualifications and EPAs.
- any particular contexts in which our qualifications are taken, or to which their results are put, which could create additional risks
 - the constructs being assessed, method(s) of assessment and whether the current levels of control are sufficient
- how the authenticity of student work will be secured and validated
- reviewing our Centre Assessment Standards Scrutiny (CASS) strategy

We have processes in place to ensure that AI cannot be used for EPA and have strict invigilation processes and procedures in place to prevent malpractice of this nature whenever possible. We ask learners to relate examples to their own experience when possible and so all work should be individual.

While this new technology will undoubtedly bring many benefits, there have already been some issues. For instance, AI can be used to threaten the integrity of formal assessment when it comes to the achievement of qualifications.

Protecting qualifications from Artificial Intelligence (AI) misuse

While this new technology will undoubtedly bring many benefits, there have already been some issues. For instance, AI can be used to threaten the integrity of formal assessment when it comes to the achievement of qualifications.

AI and its misuse

AI is the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings and can be used for problem-solving. AI technology is available to everyone and can easily be accessed through a variety of low-cost or free tools. Chatbots, for example, can populate text on the back of a user inputting basic information and/or questions. Other available tools can generate imagery.

AI can unfortunately be used by learners to write content that they may be assessed for. As such, a learner could achieve certification for work that they have not produced using their knowledge. Therefore, the use of AI in this instance would constitute as malpractice.

In some circumstances, the use of AI may not always constitute as plagiarism as text may be generated from the parameters set by the user, meaning it may not be taken from another online source. This would make it extremely difficult to be flagged by a conventional plagiarism checker.

Here is a non-exhaustive list of AI chatbots below for your reference:

- ChatGPT - <https://chat.openai.com>
- Jenni AI - <https://jenni.ai>
- Jasper AI - <https://www.jasper.ai>
- Writesonic - <https://writesonic.com/chat>
- Bloomai - <https://huggingface.co/bigscience/bloom>
- Google Bard - <https://bard.google.com>

AI tools that can generate images include:

- Midjourney - <https://midjourney.com/showcase/top>
- Stable Diffusion - <https://stablediffusionweb.com>
- Dalle-E 2 (OpenAI) - <https://openai.com/dall-e-2>

Checking for authenticity and AI issues

We ask our assessors and tutors to:

- **Check learner work against previous submissions and similarities in SPAG or tone**

Consider some other tell-tale flags that may be noticed when assessing work include:

- the default language being American English or inconsistencies in the language style
- terminology and/or language being used that is not appropriate or relevant to the qualification
- a lack of/ or omissions of quotes and/or references
- fake or incorrect references
- incorrect and/or inconsistent perspectives (for example, 1st-person/ 3rd- person perspective)
- a lack of images, tables or graphs where these would usually be expected
- generalised content where specifics would usually be expected
- typed work when previously submitted work has been hand-written
- unusual repetition

Our assessors and tutors may use programmes to analyse AI and may reject work or fail learners based on the outcome following an investigation if needed.

There are currently a number of programmes/ services which statistically analyse text to determine how likely it was generated by AI. Examples of these include:

- OpenAI Classifier - <https://openai.com/blog/new-ai-classifier-for-indicating-ai-written-text>
- GPTZero - <https://gptzero.me/>
- The Giant Language Model Test Room (GLTR) - <http://gltr.io/dist/>

An AI detection feature will also shortly be added to the existing Turnitin tool - <https://www.turnitin.com/products/originality>

The use of the services referenced above should be complementary and supplementary to your standard authenticity checks.

Methods of checking for plagiarism can include:

- using online plagiarism checkers, such as Turnitin
- copying the learners' wording into a search engine to check for similarities in widely available resources.
- comparing the work to another learners' work in the same cohort or to resources they have been provided with
- Asking learners to relate responses to their own experience and or job role.

Definition of Maladministration

Maladministration is activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration.

Examples of maladministration - Failure to adhere to our procedures. - Persistent failure to adhere to our EPAO recognition and/or policy requirements. SLAs not met, affecting customer service/QA process. Unreasonable delays in responding to requests and/or communications from regulators, training providers, quality assurance, Directors, or apprentices. - Inaccurate claim for certificates - Failure to maintain appropriate auditable records.

Malpractice and maladministration:

Malpractice is more likely to be intentional behaviour, maladministration, more of accidental behaviour. As such sanctions in relation to malpractice are likely to higher level and more severe.

Investigation

Investigations are sent to the Compliance Manager and/or the Director (depending on the nature of the malpractice, maladministration, or other relevant query). Malpractice queries may be directed to our compliance manager, Elizabeth Thomas. A full investigation will be conducted as needed. Following an investigation, a report will be produced and be made available to all parties (including when relevant our Senior Management Team and Governance Board); we will remain open and transparent throughout the investigation whenever possible and in compliance with DPA/GDPR legislation. We ensure that all reviews are conducted by impartial person(s) and in most cases this will be the Director. In the unlikely event a investigation is about this person, then the investigation will be conducted by an independent and senior IQA.

The difference between Malpractice and Maladministration

This is just an overview, and the list is not exhaustive, but gives an idea of the difference between the two concepts:

Maladministration: Not intentional Mistakes Poor processes No intention to do any harm May involve incompetence May involve ineptitude Carelessness Inexperience	Malpractice Generally, involves some sort of intent Neglect Reckless behaviour Bias or discrimination could lead to malpractice
---	--

Examples of Maladministration: Accidentally giving misleading or incomplete/inadequate information Mistakes arising from lack of attention Faulty procedures Poor records kept Failure to follow procedures properly Poor communication Inadvertent failure to act Avoidable delay

Examples of Malpractice: Cheating Facilitating cheating or 'turning a blind eye' to cheating Intentionally manipulating results Revealing the questions prior to the test (where confidentiality is required) Sharing confidential assessment materials prior to an assessment Sharing or selling hoax materials Allowing breach of the rules of assessment such as the use of non-permitted examination materials Providing apprentices with the answers to a test Result falsification
--

Whilst we recognise that malpractice and maladministration are distinct concepts the two can overlap or be concepts on the same spectrum. We take all reasonable steps to identify and mitigate the risk of any incidents which could have an adverse effect on the integrity of the EPA.

Potential sanctions for training providers/colleges/apprentices and/or staff

Low risk	We may refuse to end point assess the apprentice or request a re-sit or re-take or ask a different member of from the centre to be our point of contact
Medium Risk	Cancel an assessment
Medium Risk	Effectively cancel or invalidate the apprentice's certificate by contacting the ESFA
High Risk	EPA service removal for the provider

We will aim to complete a review of the initial complaint within 5 working days, if an investigation is required this may take longer and the informant will be updated on expected timescales (see below Formal Complaints Process Overview). We will inform the regulator of any medium or high-risk events.

Formal complaints process overview

We follow the same timelines and basic process for investigations as complaints

Complaint /investigation received (Ideally within 20 working days of the event, however, we understand that malpractice or maladministration may come to light later and so will accept queries beyond this timeline as applicable)

We aim to acknowledge receipt of the complaint/investigation within 5 working days via email or letter.

Formal complaints/investigations will be sent to Elizabeth Thomas: Compliance Manager (who has no role within assessment/QA)

We will log all formal complaints/investigations centrally

We will formally acknowledge and give an update on the complaint/investigation with 10 working days

Full review of the complaint/investigation and response in writing within 21 working days

Our Rights

We reserve the right at any time during an investigation to:

- Suspend delivery of any further EPA assessments
- Withhold results until the investigation is over
- Invalidate an assessment
- Require an apprentice to re-sit or re-take
- We may not agree that there is any malpractice or maladministration and refer appellants to the complaints procedure to take matters further if required

Potential sanctions for internal staff/associates

Investigation outcome	Risk	Potential Sanction(s) Examples
Maladministration or Malpractice not demonstrated or occurred	None	No further action to be taken
Maladministration or malpractice likely to have occurred	Medium	<ul style="list-style-type: none"> • Written warning • Disallowing all or part of the assessment evidence • Assessment decision recorded as a fail and a re-sit or re-take required • Refusal to conduct all or some assessment activities • Set an action plan for improvements in practice or disciplinary action • Suspension of the IEPA, QA or other persons involved from any involvement in the delivery of EPA for us • Refusal to claim a certificate • Notification to Regulators
Maladministration or malpractice demonstrated, or on the balance of probabilities, is highly likely or proven to have occurred	High	<ul style="list-style-type: none"> • Suspend staff members from any involvement in the delivery of EPA • Notification to regulators • Invalidate an assessment • Dismissal / non-renewal of contract

Investigation Report

After the investigation, a report will be completed which will:

- Identify the breach of the regulatory conditions if any occurred
- Confirm the facts where available
- Identify who is responsible for the breach
- Confirm the appropriate remedial action, outcome, and any sanctions
- Give a summary of our findings and next steps
- All investigations will be reported to the SMT and Governance and recorded in meeting minutes and a copy of the report will be attached and retained for audit and compliance purposes

Investigation decision and outcomes: POTENTIAL SANCTIONS

Examples of potential sanctions imposed on training providers

Level 1 Low Risk	Request that a different member of staff deals with us and/or apprentices assessed by us, or we may refuse to end point assess the apprentice or request a re-sit or re-take
Level 2 Medium Risk	Cancel an assessment
Level 3 Medium/High Risk	Effectively cancel or invalidate the apprentice's certificate by contacting the ESFA
Level 4 High Risk	EPA service removal for the provider

All medium or high-risk events will be reported to the regulator. The regulator will be notified upon completion of our investigation and before if necessary, depending on the severity of the situation. Once we receive a malpractice form, this will be logged and if there is reason to believe there is concern, particularly in light of any allegations made against our own staff or associates the regulator will be informed immediately. When necessary we may update other EPAOs, AOs or Awarding organisations who may be affected by the malpractice or maladministration, for example, where staff or associates work for more than one EPAO or where training providers use our services and that other EPAOs.

Other Sanctions

Investigation outcome	Risk	Potential Sanction(s) Examples
Maladministration or Malpractice not demonstrated or occurred	None	No further action to be taken
Maladministration or malpractice likely to have occurred	Medium	<ul style="list-style-type: none"> • Written warning • Disallowing all or part of the assessment evidence • Assessment decision recorded as a fail grade and a re-sit or re-take required • Refusal to conduct all or some assessment activities • Set an action plan for improvements in practice or disciplinary action • Suspension of the IEPA, QA or other persons involved from any involvement in the delivery of EPA for us • Refusal to claim a certificate • Notification to Regulators
Maladministration or malpractice demonstrated, or on the balance of probabilities, is highly likely or proven to have occurred	High	<ul style="list-style-type: none"> • Suspend staff members from any involvement in the delivery of EPA • Notification to regulators • Invalidate an assessment • Dismissal / non-renewal of contract

Right of Appeal

The individual(s) concerned has/have the right to appeal against any decision(s) or sanction(s) imposed by us. Please refer to our Appeals Policy and/or Complaints Policy

Review of Policy

We will review the policy annually.

End-point Assessment or training course – notification of suspected/potential or actual malpractice.

Strictly Confidential

Staff or associates who discover, or suspect malpractice must complete this form and send to info@a2atraining.co.uk. We will work with our compliance team and a decision will be made as to how to proceed.

1	Date of suspected malpractice	<input type="text"/>	<input type="text"/>
2	System reference	<input type="text"/>	
3	Training Provider	<input type="text"/>	
4	Standard/Qualification and AO if applicable	<input type="text"/>	
	EPA or course component	<input type="text"/>	

EPA/course activity the malpractice was found in – check the box as appropriate.

Professional discussion	<input type="checkbox"/>	Interview	<input type="checkbox"/>	Assessment	<input type="checkbox"/>	Observation	<input type="checkbox"/>
Presentation	<input type="checkbox"/>	Project or case study	<input type="checkbox"/>	Portfolio or showcase	<input type="checkbox"/>	Employee reference	<input type="checkbox"/>

5 Details of apprentice(s)/learner or other person(s) involved

Name	

6 Details(s) of Customer/Employer staff and/or witnesses involved

Name	Position

7 Explain how the suspected malpractice occurred and/or details as to how it was discovered, by whom and when. Please mention any areas of specific concern and screen shot, reference or add evidence.

8 Could the apprentice(s) / students have been unfairly advantaged or disadvantaged by the suspected malpractice and could this have impacted the grade or outcome?

9 Details of person referring the malpractice

Name (please print)	
Email	
Date	
Signature	

